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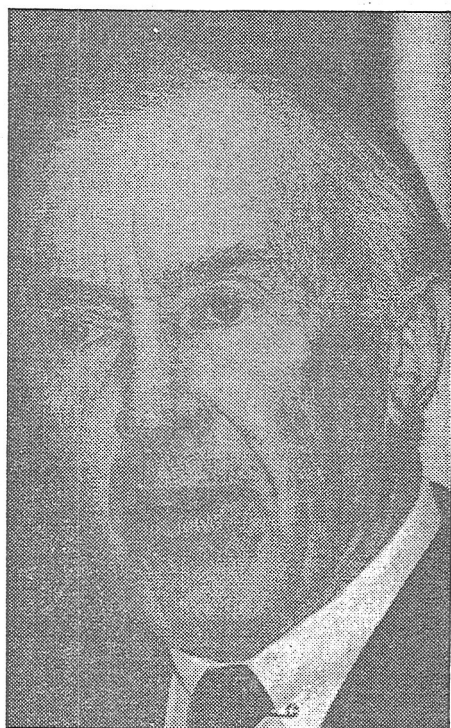
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er in Iran-Contra Affair

Five Others Involved Also Win Clemency

By Walter Pincus
Washington Post Staff Writer



Independent counsel Lawrence E. Walsh said that the president's action meant that the "Iran-contra coverup, which has continued for more than six years, has now been completed."

President Bush yesterday pardoned former defense secretary Caspar W. Weinberger and five other former government officials involved in the Iran-contra affair because "it was time for the country to move on."

Independent counsel Lawrence E. Walsh, who had prosecuted all six of those Bush pardoned, angrily declared that Bush's action meant that "the Iran-contra coverup, which has continued for more than six years, has now been completed." But Walsh gave notice that he was still not finished with his investigation, indicating that he is now focusing on Bush himself.

Walsh disclosed that he had learned for the first time on Dec. 11 that Bush had "his own highly relevant contemporaneous notes" about the Iran-contra affair, which he "had failed to produce to investigators . . . despite repeated requests for such documents." He said Bush was still handing over these notes, a process that "will lead to appropriate action."

Withholding the notes until now constituted "misconduct" by Bush, Walsh said in a prepared statement, and like Weinberger's withholding of his notes, was part of "a disturbing pattern of deception and obstruction that permeated the highest levels of the Reagan and Bush administrations."

Last night, in an interview on PBS's "MacNeil/Lehrer NewsHour," Walsh went further, saying Bush is "the subject now of our investigation." Walsh said the president may have "illegally withheld documents" from Iran-contra investigations.

Sources close to the Walsh investigation said the independent counsel believes Bush acted yesterday, in part, to head off a trial of Weinberger that could have embarrassed the president. Walsh said on MacNeil/Lehrer that in pardoning Weinberger, Bush was "pardoning a man who committed the same type of misconduct that he [Bush] did."

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PARDONS, From A1

Senior administration officials denied that Bush had any self-interested motive for pardoning Weinberger and five others: former national security adviser Robert C. McFarlane, former assistant secretary of state Elliott Abrams, and three former CIA officials, Clair E. George, Alan D. Fiers Jr. and Duane R. "Dewey" Clarridge.

McFarlane, Abrams and Fiers all pleaded guilty to charges involving the withholding of information from Congress; George was convicted of two counts of lying to Congress, and Clarridge was scheduled to go on trial in March on seven counts of perjury and making false statements to Congress.

One senior administration source said the Bush notes about which Walsh spoke were just a "political diary" that Bush had started to keep in November 1986. The source said Bush had nothing to hide and would

be willing to release these notes to the public. The source would not explain why Walsh only learned of the notes on Dec. 11.

Bush said yesterday he would make public a transcript of his own five-hour appearance before Walsh's lawyers in 1988, and said Weinberger planned to release all of his personal notes. "No impartial person has seriously suggested that my own role in this matter is legally questionable," Bush asserted.

In his proclamation granting "executive clemency" to Weinberger and the others, Bush described his pardons as part of a "healing tradition" as old as the Republic, citing precedents including President Andrew Johnson's pardon of soldiers who fought for the Confederacy and President Jimmy Carter's pardon of Vietnam-era draft dodgers. Yesterday's pardons, he suggested, were appropriate at the successful conclusion of the Cold War.

Bush also described the pardons

as a response to "a profoundly troubling development in the political and legal climate of our country: the criminalization of policy differences. These differences should be addressed in the political arena, without the Damocles sword of criminality hanging over the heads of the combatants."

Walsh disputed that characterization, which has been used previously by a succession of Iran-contra defendants and other critics of Walsh's investigation. Walsh noted that Weinberger was indicted for concealing notes from Congress and from the special counsel. Withholding those notes when they were originally requested by congressional investigators in 1987 "radically altered the official investigations and possibly forestalled timely impeachment proceedings against President Reagan and other officials."

Walsh added that "Weinberger's notes contain evidence of a conspir-

acy among the highest-ranking Reagan administration officials to lie to Congress and the American people." On television last night, Walsh added: "Lying to Congress is not a policy question."

Walsh was named an independent counsel in December 1986 after then-Attorney General Edwin Meese III disclosed that profits from the secret arms-for-hostages sales of American weapons to Iran had been diverted to support the Nicaraguan contra rebels. At that time Congress had banned U.S. military assistance to the contras. This was the beginning of the Iran-contra affair, a political and legal struggle that has continued ever since.

Weinberger called a news conference yesterday to denounce Walsh as "lawless and vindictive." His indictment, Weinberger said, was "a grotesque use of this really very dangerous power." He expressed gratitude to Bush for granting the pardon, which his lawyers formally requested in a letter to the president sent last Friday.

Bush called Weinberger "a true American patriot" who had served his country with great distinction and noted that both Weinberger and his wife now suffer from "debilitating illnesses."

"I am pardoning him not just out of compassion or to spare a 75-year-old patriot the torment of lengthy and costly legal proceedings," Bush said, "but to make it possible for him to receive the honor he deserves for his extraordinary service to our country."

Sen. Robert J. Dole (R-Kan.), the Senate minority leader and a bitter critic of Walsh's investigation, hailed the pardons yesterday. Dole described Bush's proclamation as a "Christmas Eve act of courage and compassion," adding that "Lawrence Walsh and his desperate henchmen would have stopped at nothing to validate their reckless \$35 million inquisition, even if it meant twisting justice to fit their partisan schemes."

Asked about the pardons at a news conference in Little Rock, Ark., President-elect Clinton said: "I am concerned by any action which sends a signal that if you work for the government you're above the law, or that not telling



BY LUCIAN PERKINS—THE WASHINGTON POST

Caspar W. Weinberger with lawyer Carl Rauh at news conference yesterday.

at the highest levels of the Reagan administration, considered Weinberger a key figure because he had concealed contemporaneous notes that contradicted the public statements of Reagan and others, including Bush, about the arms sales and administration deliberations related to them.

Walsh sought to persuade Weinberger to plead guilty to a misdemeanor charge and then cooperate in exposing the alleged Cabinet-level coverup. But Weinberger refused, denying that any coverup had occurred.

When it became clear that he faced indictment, Weinberger's defense lawyers, Robert S. Bennett and Carl Rauh, began an elaborate campaign to change Walsh's mind. They enlisted Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff who was Weinberger's military aide at the time of the secret arms shipments to Iran, and the two ranking senators on the special Iran-contra investigating committee, Daniel K. Inouye (D-Hawaii) and Warren B. Rudman (R-N.H.), all of whom formally stated to Walsh that there was no reason to indict Weinberger. But Walsh proceeded with the indictment.

As the trial approached, Weinberger's lawyers sought support for a presidential pardon, not only from those three but also from other political figures, including Democrats and Republicans. Walsh also suffered from a series of public embarrassments, including appeals court reversals of his convictions of former White House aides John M. Poindexter and Oliver L. North.

Then in the last week of the presidential campaign, Walsh's office brought a new count against Weinberger, citing one of his notes that contradicted Bush's longstanding contention that he never knew of Weinberger's and Shultz's strong opposition to the Iranian arms-for-hostages deals.

Numerous Republicans, including Dole and Vice President Quayle, said this highly publicized move on the Friday before Election Day slowed the momentum the Bush camp claimed was building against Clinton. Republican criticism of Walsh intensified when the judge in the Weinberger case, Thomas F. Hogan, threw out the new count on legal grounds.

Against this backdrop Bennett and Rauh sent a formal letter to the White House last Friday requesting

a pardon for their client. It immediately received high-level consideration, leading to White House meetings Monday and Tuesday involving Bush, White House counsel C. Boyden Gray and White House Chief of Staff James A. Baker III, according to knowledgeable sources. Bush made the final decision to grant the pardons yesterday at Camp David, where he had gone for the Christmas holiday.

Yesterday's pardons deprive Walsh of all the ongoing prosecutions launched by his office, forcing him to redirect his efforts. Sources close to the special counsel said he would next decide what to do about Bush's newly disclosed notes. Asked yesterday if he would "go after" Bush on the issue of these notes, Walsh responded: "I don't want to speculate on that 'til we're through." Sources close to the investigation would not discuss how they learned about Bush's notes.

Walsh's final task is to complete work on a report on his six-year, \$31 million investigation. The report will give Walsh an opportunity to spell out what he called yesterday "the details and extent of this coverup."

Walsh provided his reactions to the pardons at a news conference in Oklahoma City, his hometown. A reporter there asked, "Is the message here that if you work for the government, you're above the law?"

Walsh replied, "That depends on the president you work for."

Bush ended his proclamation of clemency by saying, "In granting these pardons today, I am doing what I believe honor, decency and fairness require."

Bush did not pardon former Air Force major general Richard V. Secord, Albert Hakim and Thomas G. Clines, all of whom either pleaded guilty or were convicted by Walsh in the Iran-contra affair. Bush aides said those three were not considered for pardon because, unlike the former government officials, they stood to make a financial gain from their Iran-contra activities.

In his statement, Bush noted that the six who were pardoned had a common denominator in that "they did not profit or seek to profit from their conduct."

Staff writer Helen Dewar contributed to this report.

the truth to Congress, under oath, is somehow less serious than not telling the truth to some other body, under oath." But he said he would withhold further comment until he knew "all the details" of the pardons.

Rep. Richard A. Gephardt (D-Mo.), the House majority leader, called the pardons "disturbing." He said "laws were violated" in the Iran-contra affair, "and those violations are not being treated seriously."

Former president Ronald Reagan issued a statement expressing pleasure that Bush had pardoned the six officials. "These men have served their country for many years with honor and distinction," Reagan said.

Yesterday's pardons were the culmination of legal efforts on Weinberger's behalf that began long before he was indicted June 16, 1992. Weinberger's attorneys argued from the outset that it was unfair to take legal action against one of the two senior officials of the Reagan administration—Secretary of State George P. Shultz was the other—who actively opposed the secret sale of arms to Iran to win release of American hostages in Lebanon.

But Walsh, convinced that he was investigating an elaborate coverup